

**OF THE PUBLIC PROTECTOR IN TERMS OF SECTION 182(1)(b) OF THE
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 AND
SECTION 3(2) OF THE EXECUTIVE MEMBERS' ETHICS ACT, 1998**



**PUBLIC PROTECTOR
SOUTH AFRICA**

REPORT NO. 1 of 2010/11

**REPORT OF ON AN INVESTIGATION INTO AN ALLEGED BREACH OF SECTION 5 OF
THE EXECUTIVE ETHICS CODE BY PRESIDENT JG ZUMA**

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Executive Summary

- (i) This report deals with an investigation by the Public Protector into an alleged breach of the Executive Ethics Code by President Jacob G Zuma, President of the Republic of South Africa, by failing to comply with section 5 thereof.
- (ii) A member of the National Assembly and Leader of the Opposition, Mr A Trollip, requested the Public Protector to investigate President Zuma's apparent breach of section 5 of the Executive Ethics Code (the Code) following newspaper reports alleging that he had failed to disclose his financial interests, assets and liabilities within sixty days of taking office, as required by section 5.2 of Code.
- (iii) Mr Trollip further requested that the Public Protector should consider submitting the report on the investigation to the Deputy President in view of the fact that the President, to whom the Report must, according to the law, be submitted for review and presentation to Parliament, was in this case the subject of the Report.
- (iv) Section 3(2) of the of the Executive Members' Ethics Act 82 of 1998 provides as follows:

"The Public Protector must submit a report on the alleged breach of the code of ethics within 30 days of receipt of the complaint-

- (a) to the President, if the complaint is against a Cabinet member, Premier or Deputy Minister; and*
- (b) to the Premier of the province concerned, if the complaint is against an MEC."*

(v) Shortly after the complaint was lodged with the Public Protector, the Presidency announced that President Zuma had made the necessary declaration. However, Mr Trollip indicated that he wanted the investigation to proceed.

(vi) The Public Protector's Findings are that:

- (a) President Zuma submitted his declaration of financial interests, assets and liabilities to the Secretary of the Cabinet on 10 March 2010, which constituted partial compliance with section 5 of the Code;
- (b) President Zuma has indicated that he regrets the delay that occurred in the preparation and submission of declarations to the Secretary of the Cabinet;
- (c) There is merit in the Presidency's concern regarding anomalies in the Act, which include lack of clarity regarding who the President should approach for permission to accept gifts of a value that exceeds R1000 as envisaged in section 4.2 of the Code; and the concern expressed by both Mr Trollip and the Presidency regarding the appropriate office or person to whom a report of the Public Protector involving the President, should be submitted;
- (d) While the observation that the President may not be the appropriate forum to receive and consider the Public Protector's Report concerning his own ethical conduct, the submission that such report be presented to Parliament via the Deputy President, would violate the principle of legality as the directive to the Public Protector in terms of section 3(2) of the Act regarding where to submit the report is mandatory rather than discretionary.
- (e) The President's failure to comply with the time requirements of the Code and his conduct constitute a breach of section 5.2 of the Code; and

- (f) There is a systemic pattern of non-compliance with the time-lines and some of the requirements stipulated in the Code by a substantial number of Members of the Executive, which should be attended to by the Cabinet urgently.

(vii) The Public Protector's recommendations are that:

- (a) Cabinet notes the findings in this Report regarding the President's conduct and the fact that the President has indicated that he regrets the delay that occurred in the preparation and submission of declarations, deal with the matter appropriately and report to Parliament;
- (b) In view of the fact that both the Act and the Code make no provision for the consequences of violating the Code, Parliament should consider the application, with effect from June 2010, of the same sanctions applicable against members of Parliament found guilty of violating the Parliamentary Code of Conduct;
- (c) Provincial Legislatures consider the application, with effect from June 2010, of the same sanctions applicable against Members of Parliament found guilty of violating the Parliamentary Code of Conduct;
- (d) Parliament considers an amendment to the Executive Members' Ethics Act to address all uncertainties or anomalies paying special attention to the following:
- (i) To provide clarity on the office or person to be approached by the President regarding the acceptance of gifts with a value in excess of R1000;

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- (ii) To provide clarity on whether such office or person should grant permission as currently envisaged in the Act or advise the President;
 - (iii) To resolve the issue regarding the office or person to whom a report involving the ethical conduct of the President should be submitted by the Public Protector;
 - (e) The President gives consideration to referring this Report to the Cabinet for comment and decision on any action to be taken in regard thereto, and to have the Secretary of the Cabinet thereafter submit the Report to Parliament as envisaged in section 3(b) of the Act;
 - (f) Parliament to advise the Public Protector on the decision taken in respect of (a) and (b) above by the 1st of July 2010 so as to know how to deal with any similar violation of the Code in the next disclosure cycle which commences in June 2010; and
 - (g) Cabinet and Parliament to review all previous recommendations of the Public Protector regarding the management of the register with a view to giving serious consideration to the implementation of these.

1. INTRODUCTION

1.1 This Report is submitted to the President of the Republic of South Africa in terms of the provisions of section 3(2) of the Executive Members' Ethics Act 82 of 1998.

1.2 Section 3(2) provides as follows:

"The Public Protector must submit a report on the alleged breach of the code of ethics within 30 days of receipt of the complaint-

(a) to the President, if the complaint is against a Cabinet member, Premier or Deputy Minister; and

(b) to the Premier of the province concerned, if the complaint is against an MEC."

1.3 The Report relates to an alleged violation of section 5 of the Executive Ethics Code (the Code) by President Jacob G Zuma involving failure to disclose financial interests, assets and liabilities within sixty (60) days of taking office as required by section 5.2 of the Code.

2. THE COMPLAINT

2.1 Mr Athol Trollip, MP (the Complainant) submitted a written complaint to the Public Protector in terms of section 3(1) of the Executive Members' Ethics Act, 1998. The complaint dated 08 March 2010, was received by the Office of the Public Protector by e-mail on the same day.

2.2 Mr Trollip is a member of the National Assembly, Parliamentary Leader of the Democratic Alliance Party and the Leader of the Opposition.

2.3 He lodged a complaint, in his capacity as a Member of Parliament, in terms of section 3(1) of the Executive Members' Ethics Act, 1998 requesting the Public Protector to conduct an

investigation against President Zuma for possible breach of section 5 of the Executive Ethics Code (Government Gazette 21399/41) by failing to comply with the disclosure requirements under the Code.

2.4 Mr Trollip specifically made the following allegations:

"It emerged this weekend that President Jacob Zuma failed to disclose his financial interests, assets and liabilities within sixty days of taking office. This constitutes a breach of section 5 of the Executive Ethics Code (Government Gazette 21399/41). As a Member of Parliament I am lodging an official complaint, in terms of section 3(1) of the Executive Members' Ethics Act of 1998 ('the Act'), against President Zuma for failing to comply with the aforementioned disclosure legislation."

The Executive Ethics Code states that:

- *"every member' must disclose the particulars of all their financial interests (Section 5.1)*
- *Disclosure takes place within 60 days of their taking office (section 5.2)*
- *A "member", is defined to include a "cabinet member"; in turn section 1 (ii) of the Act states the following about the definition of "cabinet member": 'Cabinet member' includes the President". It should also be noted that section 91 of the Constitution includes the President in its definition of "the Cabinet".*

Section 3.1 of the Act places an obligation on your office to finalise and submit the report on this complaint within 30 days of receipt of this correspondence-on or before 7 April 2010. In terms of the Act, a report compiled by the Public Protector into a matter such as this would be passed to the President for review. Given that the President himself should consider a report on his own conduct, we believe, in such circumstances, and without the law offering any guidance on an alternative course of action when faced with a conflict of

interest of this nature, that the report be submitted to the Deputy President Kgalema Motlante for his consideration."

3. THE POWERS AND JURISDICTION OF THE PUBLIC PROTECTOR TO INVESTIGATE THE COMPLAINT

3.1 Section 182(1) of the Constitution of the Republic of South Africa, 1996 (the Constitution) provides that the Public Protector has the power to investigate any conduct in state affairs or in the public administration in any sphere of government that is alleged or suspected to be improper or to result in any impropriety or prejudice. It further mandates the Public Protector to report on the conduct investigated, and to take appropriate remedial action.

3.2 Section 182(2) of the Constitution provides that the Public Protector has the additional powers and functions prescribed by national legislation.

3.3 Such additional functions were prescribed by the Executive Members' Ethics Act, 1998. Sections 3(1) and 4(1) (a) of this Act provide, among others, that the Public Protector must investigate any alleged breach of the Code of Ethics (published by the President in terms of section 2(1) of the Executive Members' Ethics Act, 1998) on receipt of a complaint by a member of the National Assembly against a member of Cabinet.

3.4 Section 3 (4) of the Executive Members' Ethics Act, 1998 further provides that:

" When conducting an investigation in terms of this section, the Public Protector has all the powers vested in the Public Protector in terms of the Public Protector Act, 1994 (Act 23 of 1994).

3.5 The Public Protector therefore has the necessary powers to investigate the matter raised in the present complaint.

4. THE INVESTIGATION

4.1 Overview

(a) The investigation was conducted in terms of section 3(2) of the Executive Members' Ethics Act, 1998 read with section 182(1) and (2) of the Constitution and sections 7 and 8 of the Public Protector Act 23 of 1994.

(b) Specific steps taken to investigate the complaint and sources of information included the following:

(i) **Correspondence with the Complainant:** The key document is the letter of Mr A Trollip dated 08 March 2010, in which he lodged a complaint in terms of the Executive Members' Ethics Act;

(ii) **Correspondence with the Presidency:** Key documents are:

- A letter to Mr V. Mavimbela, Secretary of Cabinet, dated 18 March 2010, informing him about the investigation and requesting information regarding the circumstances of the President's alleged failure to comply with section 5.2 of the Act and on measures in place to ensure that Members of the Executive comply with disclosure requirements;
- A letter from Mr Mavimbela dated 30 March 2010 setting out the facts and circumstances pertaining to the President's declaration and additional matters raised in the Public Protector's letter of the 18th and in which Mr Mavimbela stated the following:

"To this end I regret the delay, which regret is also shared by the President. Similarly, it is regrettable that the delay resulted in unhealthy speculations.

Indeed the President submitted his declarations to my office on 10 March 2010"

- Interim Reports submitted to the President and to the Complainant on 06 and 07 April 2010, respectively;
- A letter sent to President Zuma on 06 April 2010, directly informing him about the investigation and presenting him with an opportunity to make representations if he so wished;
- A letter from Ms Y Duarte, Chief Operations Officer, dated 20 April 2010, responding to the Public Protector's letter of 06 April regarding possible representations by the President, which states that:

"President Jacob Zuma has had sight of the response of the Secretary of Cabinet. As the Secretary of Cabinet stated, the President regrets the delay that occurred in the preparation and submission of declarations.

The President has asked me to draw your attention to clause 4.2 of the Executive Ethics Code. He has indicated his discomfort with the fact that he has to refer to himself in the case of gifts with value that exceeds R1000.00

The President requests your good office to look at this part of the legislation in order to ascertain whether a different provision cannot be worked out."

- (iii) **Applicable legislation**, which principally includes the Constitution, the Executive Members' Ethics Act of 1998, the Executive Ethics Code which came into effect in 2000 and the Promotion of Administrative Justice Act, 3 of 2000.
- (iv) **Applicable case law**, previous reports of the Public Protector dealing with alleged breaches of the Executive Ethics Code by the Members of the Executive and decisions of the Parliamentary Joint Committee on Ethics and Members' Interests;

- (v) Articles on integrity, state accountability, good governance and the rule of law. Notable among these is a publication entitled: Financial Disclosure Requirements in South Africa, ISS Paper 192 August 2009 and the various King Reports.

4.2 Concerns regarding anomalies and lack of clarity in aspects of the law and the Code

- (a) Both the Complaint and the Presidency raised concerns regarding certain provisions of the Code that present enforcement and/or compliance difficulties. An issue where there was consensus is that it does not seem appropriate that the President should receive and review a report concerning him/her.
- (b) In his letter of 30 March, 2010, Mr Mavimbela advised that the delay by the President in making the requisite declarations was due to lack of clarity regarding who should the President approach with regard to gifts of a value in excess of R 1000, and in respect of which the Code directs as follows:

"When a member, in the course of the member's duties, has received or has been offered a gift with a value of more than 1000,00, a member may request permission from the President or Premier, as the case may be, to retain or accept the gift. If the permission is granted the member may retain or accept the gift, but must disclose particulars thereof in terms of paragraph 6.3 of this Code. Where such permission has not been granted the member must either

- a) Return the gift or decline the offer; or*
- b) Donate the gift to the state."*

- (c) Mr Mavimbela goes on to advise that he was approached on behalf of the President (presumably in terms of section 5.5 of the Code) to assist by providing some clarity on the scope and nature of the declaration required of the President, a process which he regrettably submits took an unduly long time. He further makes the following point:

"In terms of the Executive Ethics Code , which I will refer to as "the Code", the President is obliged to declare any gift and /or benefits received , as well as any interest he may have in any corporation entity, both in respect of himself, as well as any spouse or dependant person....

Clearly, the Code does not provide a mechanism for, nor does it appreciate the fact that the President himself would be the receipt of gifts and/or benefits, which would necessitate a decision whether such gifts should be retained or not”.

- (d) The Public Protector concedes that there is an anomaly or lack of clarity regarding the above aspects of the President’s compliance and that this requires urgent legislative attention. Aspects of this have been covered in previous reports of the Public Protector, with particular reference to some of the reports that are referred to below.
- (e) The Complainant’s recommendation on the issue of where should the Public Protector’s report go en route to Parliament, is that it should go to the Deputy President in view of the fact that it *“...seems inappropriate that the President himself should consider a report on his own conduct.”*
- (f) The Public Protector’s view is that although the concern behind the recommendation is valid, delivering the report to anyone other than as directed in the Act would violate the principle of legality. However, there is a need for urgent law reform to address this anomaly.

4.3 Facts as disclosed by the investigation

- (a) The Presidency did not dispute the complainant’s allegation that the President had failed to comply with the time frame for disclosure stipulated by section 5.2 of the Act. There is accordingly no dispute of fact in this regard.
- (b) On the question of anomalies and lack of clarity, the inspection of the Register of Financial Interests, interviews with relevant officials and a review of previous reports did support the allegation that clarity is needed regarding the processing of the President’s declarations and any report concerning his own ethical conduct under the Act.

5. GENERAL OBSERVATIONS

- 5.1 Having inspected the Register of Financial Interests, including the confidential part, which reveal that the President has since satisfied the requirements of the Code, the Public Protector is satisfied

that the President's delay in making the necessary declarations, suggests tardiness on his part and those required to provide him with the necessary executive support, rather than any improper motives.

5.2 The management of the Register of Financial Interests of Members of the Executive at all levels of government has been the subject of concern since the advent of the Executive Ethics Code.

5.3 Previous observations of the Public Protector have primarily dealt with the need to review the legislation and the Code to address anomalies and uncertainties. Recommendations were also made regarding the need to upgrade administrative capacity for managing the Register specifically that such capacity should include quality compliance support to Members of the Executive.

5.4 It is of concern that during the inspection of the Register and interviews with officials charged with its management, it emerged that the failure to comply with the stipulated time frames for disclosure is a systemic problem rather than an isolated incident. For example, at least one of the previous Presidents consistently disclosed after six months of assumption of office.

5.5 It further emerged that in the year under review, only 40 out of 64 Members of the National Executive, which amounts to 62.5%, complied with the stipulated sixty day period of grace. At least one of the declaration forms was not even dated.

5.6 On questions posed regarding administrative support mechanisms in place to ensure compliance by Members of the Executive, the response of the office of Secretary of the Cabinet was that such measures exist and include letters sent to Members of the Executive, the first of which was sent on 01 June 2009, followed by reminders. A

document entitled “Administrative Arrangements that the Office has Put in Place”, was presented to the Public Protector during the investigation together with relevant forms.

5.7 However, the state of the Register and interviews with relevant officials revealed that a lot still needs to be done to upgrade the support. Specific concerns include the level and mandate of the person specifically charged with managing the Register (Registrar) for the Cabinet Secretary. A related fact is that the Secretary of the Cabinet is actually not the *de facto* Registrar.

5.8 A further source of concern for the Public Protector was the existence of a risk from the point of view of balancing accountability with confidentiality, due to the fact that there appeared to be more than one person assisting the Secretary of the Cabinet with the management of the Register.

5.9 It further emerged that officials charged with the management of the Register, were not aware of previous recommendations of the Public Protector and that neither Cabinet nor Parliament appeared to have acted on those recommendations. The key recommendations in previous Reports of the Public Protector relating to the executive ethics are the following:

(a) “Report on an investigation into an allegation of a breach of the Executive Ethics Code by the Minister of Social Development, Dr Z Skweyiya” Report No 3 of 2006

The Public Protector recommended that:

“In terms of section 182(1) (c) of the Constitution, 1996, and section 6(4)(c)(ii) of the Public Protector Act, 1994, it is recommended that:

The Secretary of Cabinet take steps to ensure that the Minister of Social Development makes a proper disclosure in terms of the provisions of paragraph 6 of

the Executive Ethics Code of the interest free loan granted to his wife by Mr Majali in December 2003”.

(b) “Report on an allegation of unethical and improper conduct by Deputy President P Mlambo-Ngcuka relating to her unofficial visit to the United Emirates in December 2005” Report No 1 of 2006

The Public Protector recommended that:

“In terms of section 182(1) (c) of the Constitution, 1996, and section 6(4) (c) (ii) of the Public Protector Act, 1994, it is recommended that the Secretary of the Cabinet take urgent steps to ensure that the draft Presidential Handbook deals with the matters and issues investigated in clear terms and that it is submitted to the Cabinet for consideration”

(c) “Report on an investigation in connection with compliance by Ministers and Deputy Ministers with the provisions of the Executive Ethics Code relating to the disclosure of financial interests” Report No 2 of 2006

The Public Protector recommended that:

In its reports to Parliament, the Committee [Parliamentary Joint Committee on Ethics and Members’ Interests] concluded that:

“17.1 The Committee notes that the purpose of the Code is to ensure that the member discloses his or her financial or pecuniary interest. In the cases outlined above there are no current active financial interests that have not been disclosed. The Committee is also mindful that the purpose of the Code is to promote ethical conduct.

In its consideration of these matters, the Committee has concluded that it must develop further guidelines to assist members. To this end the Committee hopes to host a series of workshops within Parliament to promote debate on the issue of ethics and examine various systems of accountability for elected representatives. The Committee will also host a conference on ethics in public life to obtain expert view and facilitate public comment on the issues.”

17.2 In the light of the actions proposed by the Committee to facilitate better understanding of issues relating to ethical conduct, including the disclosure of financial interests, and the observations made from the investigations referred to in this report, it is recommended that:

17.2.1 The Secretary of the Cabinet liaise with the Chairperson of the Committee to ensure that:

- (a) the issues of compliance by members who are or were directors of companies and members of close corporations with the provisions of the relevant legislation;*
- (b) the definition of what is regarded as a "financial interest" for the purposes of disclosure in terms of the code; and*
- (c) disclosures in terms of the code of interest in corporate entities in the appropriate sections of the register, referred to in this report, are also canvassed during the proposed development of guidelines by and conference of the committee"*

(d) "Report on an investigation of an allegation of improper conduct by the Minister of Public Service and Administration, Ms G J Fraser-Moleketi, relating to the acceptance of a gift" Report No 6 of 2008/9

The Public Protector recommended that:

"In terms of the provisions of section 182(1)(c) of the Constitution and section 6(4)(c)(ii) of the Public Protector Act, it is recommended that:

- 13.1 The President attends to the violation of the Code by Ms Fraser-Moleketi in the appropriate manner;*
- 13.2 The Secretary of the Cabinet takes appropriate steps to ensure that Members of the Cabinet and Deputy Ministers are sensitized in respect of the provisions of the Code relating to gifts; and*
- 13.3 the Minister of Labour ensures that the gift is appropriately disposed of"*

(e) "Report by the Protector on an investigation conducted in terms of the Executive Members' Ethics Act, 1998 of an alleged breach of the Executive Ethics Code by the Deputy President of the Republic of South Africa, Mr J Zuma" on 6 October 2003

The Public Protector recommended that:

- "8. General observations regarding the Register of Financial Interests and suggestions for improvement*

- 8.1 As indicated above, the Code provides that it is the responsibility of the Secretary (in this case the Secretary of Cabinet) to keep a register of all financial interests disclosed by members.*
- 8.2 During the investigation it was noted with concern that that the format of the current Register causes some confusion as to exactly where and in how much detail interests should be declared. It was also noted that details such as dates of declarations, values of interests, addresses of private residences, value of liabilities, duration of liabilities, source and value of pensions, etc are not meticulously kept by the Secretary.*
- 8.3 These shortcomings can lead to serious difficulties in interpreting the contents of the Register, which might lead to wrong perceptions and unfair comment.*
- 8.4 It is suggested that the Secretary of the Cabinet take urgent steps to:*
- 8.4.1 Ensure that all details in respect of declarations required by the Act and the Code are recorded in the Register;*
- 8.4.2 Improve the format of the register to limit the possibility of declarations being open to wrong perceptions or interpretations;*
- 8.4.3 Provide members with guidelines regarding the amount of detail that has to be declared, as provided by the Code.”*

6. FINDINGS

The Public Protector’s findings are that:

- 6.1 President Zuma submitted his declaration of financial interests, assets and liabilities to the Secretary of the Cabinet on 10 March 2010, which constituted partial compliance with section 5 of the Executive Ethics Code;
- 6.2 President Zuma has indicated that he regrets the delay that occurred in the preparation and submission of declarations to the Secretary of the Cabinet;

- 6.3 There is merit in the Presidency's concern regarding anomalies in the Act, which include lack of clarity regarding who should the President approach for permission to accept gifts of a value that exceeds R1000 as envisaged in section 4.2 of the Code; and the concern expressed by both Mr Trollip and the Presidency regarding the appropriate office or person to whom a report of the Public Protector involving the President, should be submitted;
- 6.4 While the observation that the President may not be the appropriate forum to receive and consider the Public Protector's Report concerning his/her own ethical conduct, the submission that such report be presented to Parliament via the Deputy President, would violate the principle of legality as the directive to the Public Protector in terms of section 3(2) of the Act regarding where to submit the report is mandatory rather than discretionary. Section 3(2) of the Act states that:
- "The Public Protector **must** submit a report... (Author's emphasis)*
- (a) To the President, if a Complaint is against a Cabinet member...."*
- 6.5 The President's failure to comply with the time requirements of the Executive Ethics Code and his conduct constitute a breach of section 5.2 of the Code; and
- 6.6 There is a systemic pattern of non-compliance with the time-lines and some of the requirements stipulated in the Code by a substantial number of Members of the Executive, which should be attended to by the Cabinet urgently.

7. RECOMMENDATIONS

The Public Protector's recommendation is that:

- 7.1 Cabinet notes the findings in this Report regarding the President's conduct and the fact that the President has indicated that he regrets the delay that occurred in the preparation and submission of declarations, deal with the matter appropriately and report to Parliament;
- 7.2 In view of the fact that both the Act and the Code make no provision for the consequences of violating the Code, Parliament should consider the application, with effect from June 2010, of the same sanctions applicable against Members of Parliament found guilty of violating the Parliamentary Code of Conduct;
- 7.3 Provincial Legislatures consider the application, with effect from June 2010, of the same sanctions applicable against Members of Parliament found guilty of violating the Parliamentary Code of Conduct;
- 7.4 Parliament considers an amendment to the Executive Members' Ethics Act to address all uncertainties or anomalies paying special attention to the following:
 - (a) To provide clarity on the office or person to be approached by the President regarding the acceptance of gifts with a value in excess of R1000;
 - (b) To provide clarity on whether such office or person should grant permission as currently envisaged in the Act or advise the President; and
 - (c) To resolve the issue regarding the office or person to whom a report involving the ethical conduct of the President should be submitted by the Public Protector.

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- 7.5 The President gives consideration to referring this Report to the Cabinet for comment and decision on any action to be taken in regard there to, and to ensure that the Report is submitted with appropriate comments and a report on action taken or planned to Parliament with 14 days commencing on 22 April 2010, in compliance with section 3(b) of the Act.
- 7.6 The Public Protector to be advised on the decision taken in respect of (a) and (b) above by the 1st of July 2010 so as to know how to deal with any similar violation of the Code in the next disclosure cycle which commences in June 2010.
- 7.7 Cabinet and Parliament to review all previous recommendations of the Public Protector regarding the management of the Register of Financial Interests of Members of the Executive with a view to giving serious consideration to the implementation of these within the next six months.

8. CONCLUSION

- 8.1 Whereas the investigation focused on the President's compliance with disclosure requirements in terms of the Executive Ethics Code read with the Executive Members' Ethics Act, it has once again highlighted anomalies in the Act and the Code that need immediate attention from the Cabinet and Parliament.
- 8.2 The Report has further highlighted previously identified weaknesses in the support provided to Members of the Executive to optimize their compliance.
- 8.3 Many of the above anomalies, uncertainties and administrative weaknesses were previously identified in Reports of the Public Protector and civil society integrity monitors, but both Cabinet and Parliament are yet to act decisively.

8.4 The Public Protector will monitor and support the implementation of the recommendations in this report over the next six (6) months.



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PUBLIC PROTECTOR OF THE
REPUBLIC OF SOUTH AFRICA
DATE: 21 April 2010

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